

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ROBERT DAVID NIELSEN ROBERT D. WILLHOITE DAVID KRAMER	Group Art Unit: 2152
Serial No.: 10/766,246	Examiner: HIEU T. HOANG
Filed: JANUARY 28, 2004	Conf. No.: 4149
For: ASSIGNING TASKS IN A DISTRIBUTED SYSTEM	Atty. Dkt.: 2095.001200/P3162US1
	Customer No.: 62293

**RESPONSE TO OFFICE ACTION DATED JANUARY 12, 2010**

**Mail Stop Amendment**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to the Office Action dated January 12, 2010, for which the three-month date for response is April 12, 2010. This response is being filed on, or before the due date, therefore, it is timely filed.

If an extension of time is required to enable this paper to be timely filed and there is no separate Petition for Extension of Time filed herewith, this paper is to be construed as also constituting a Petition for Extension of Time Under 37 CFR § 1.136(a) for a period sufficient to enable this document to be timely filed.

It is believed that no fees are due in connection with the filing of this document. However, should any fee under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is hereby authorized to deduct said fee from Williams, Morgan & Amerson, P.C., PTO Account No. 50-0786/2095.001200.

### **EXAMINER INTERVIEW SUMMARY**

On Wednesday, March 3, 2010, the Examiner, Applicants' representative and the undersigned conducted an in-person and telephone interview regarding this Application. Applicants and the undersigned appreciate the Examiner's time and consideration in granting this interview. Claim 1 and the cited references were discussed. The Examiner's rejections under §112 and §103(a) were also discussed.

With respect to the Examiner's §112 rejection of the "first remote system to respond" claim language, the Examiner suggested that one of skill in the art would know that *if* network delays were "negligible," the claimed feature of "first remote system to respond," as well as a first response to be received, would be taught by U.S. 7,590,746 (*Slater*). Applicants respectfully assert that the Examiner's argument is improper and inconsistent. Applicants discuss this issue below in the §112 Rejection remarks.

No final agreement was reached during the Examiner Interview.